

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE:

VICTOR M. SOLIVAN OTERO

DEBTOR

CASE NO. 09-10589 (BKT)

CHAPTER 7

MOTION TO AVOID LIEN

TO THE HONORABLE BANKRUPTCY JUDGE:

COMES NOW, debtor, Victor M. Solivan Otero, through the undersigned attorney and respectfully states and prays as follows:

1. Debtor filed a petition for relief under Chapter 7 of the Bankruptcy Code on December 10, 2009.
2. Creditor, WesternBank Puerto Rico, possesses a non-possessory, non-purchase-money security interest in the personal automobile of debtor which secures a personal loan numbered 9047000080 in the amount of \$13,603.20, attached hereto as *Exhibit A-1, A-2, A-3* and *A-4*.
3. The debtor's interest does not exceed \$1,500 in value in the personal automobile, attached hereto as *Exhibit B*.
4. Defendant's security interest impairs the exemption to which debtor would be entitled for such automobile, attached hereto as *Exhibit B*.

WHEREFORE, debtor respectfully moves that the court allow defendant's lien on debtor's personal automobile be avoided pursuant to 11 USC Section 522(f).

NOTICE: is hereby given that within twenty (20) days after service as evidenced by the certification, any party against whom this motion to avoid lien under 11 U.S.C. § 522(f) has been served, must file an objection or other appropriate response thereto with the Clerk's office of the United States Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the motion will be deemed unopposed and may be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the court, the interest of justice requires otherwise.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY: that a copy of this motion to avoid lien and notice is being mailed via certified mail to: United States Trustee, Ochoa Building, 500 Tanca Street, Suite 301, San Juan, PR 00901-1922; Noreen Wiscovitch Rentas, Case Trustee, PO Box 20438, West Palm Beach, FL 33416; Lien holder WesternBank's attorney, Maria Luisa Rojas Fabregot, Esq., Apartado 1450, Mayaguez, PR 00681; and lien holder WesternBank PO Box 1180, Mayaguez, PR 00681-1180.

In San Juan, Puerto Rico, dated this 4th day of February 2010.

S/ROBERT MILLAN
ROBERT MILLAN, ESQ.
USDCPR 202406
CALLE SAN JOSE #250
SAN JUAN, PR 00901
TEL: (787) 725-0946
FAX: (787) 725-0946
e-mail: *rmi3183180@aol.com*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY: that on January 4, 2010, I filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to: Chapter 7 Trustee Noreen Wiscovitch Rentas and all creditor(s) and interested parties.

In San Juan, Puerto Rico, on February 4, 2010.

S/ROBERT MILLAN